

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

MICHAEL LEE

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CRIMINAL NO. JFM-13-0678

MEMORANDUM

The Government has filed a Motion to Amend Restitution Order. The motion will be denied.

Under Fed. R. Crim. P. 35(a) this court lacks jurisdiction to modify a sentence absent "clear error." It hardly constitutes "clear error" for the court not to impose restitution when no request for the payment of restitution is made at the time of sentencing. To the extent that the law permits some leeway in connection with restitution orders, *see 18 U.S.C. §3664*, no leeway is permitted here where the facts giving rise to the payment of restitution were known prior to the sentencing date.

A separate order denying the Government's motion is being entered herewith.

Date: 6/1/15


J. Frederick Motz
United States District Judge

BY _____ DEPUTY

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FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND